

Minutes of the Planning Commission meeting held on Thursday, May 21, 2009, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Vice Chair  
Karen Daniels  
Ray Black  
Tim Taylor  
Tim Tingey, Director of Community & Economic Development  
Chad Wilkinson, Community Development Planner  
G.L. Critchfield, Deputy City Attorney  
Citizens

Excused: Jeff Evans, Chair  
Sheri Van Bibber  
Kurtis Aoki

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Jim Harland opened the meeting and welcomed those present.

#### APPROVAL OF MINUTES

There were no minutes submitted for approval.

#### CONFLICT OF INTEREST

There were no conflicts of interest noted regarding this agenda.

#### APPROVAL OF FINDINGS OF FACT

Tim Taylor made a motion to approve the Findings of Fact for a Conditional Use Permit for Elizabeth Academy, with a correction to condition #6. There are three driveways, a western, a central and an eastern. The condition needs to state that the vehicles will enter using the west driveway and exit using the central driveway to allow better stacking of vehicles. Seconded by Karen Daniels.

A voice vote was made. The Findings of Fact was approved unanimously, 4-0.

#### GRANDPA'S ATTIC – 4150 South Commerce Drive, Project #09-29

Deanne Leatherman was the applicant present to represent this request. Chad Wilkinson reviewed the location and a request for a Conditional Use Permit for an electronic message center sign. The property is located within the M-G-C zone. When a Conditional Use Permit is approved, the site must be brought into compliance with landscaping and parking codes. This particular development does not meet the requirements for landscaping or fencing. A variance application was filed a number of years ago for permission to move the fence out toward the front of the property. The application was denied but the fence was still moved. One of the conditions of approval

is a requirement to move the fence back so that it is in conformance with the code, and to provide additional landscaping as needed. The electronic message board is intended to replace an existing sign.

Deanne Leatherman, 1148 South 300 West, stated that she is an employee of Young Electric Sign and is acting as an agent for Grandpa's Attic. Young Electric Sign will be manufacturing and installing the sign. Ms. Leatherman stated that this property has changed ownership over the years. The current owners have contacted a few fencing companies and are in the process of reviewing bids to move the fence. The sign will comply with all of the regulations in the code. The sign will take 6 to 8 weeks to manufacture. Ms. Leatherman asked if a building permit could be issued prior to the other conditions being met so that manufacturing of the sign could begin.

Jim Harland asked for clarification regarding the issuance of a permit. Chad Wilkinson stated that the conditions require the fence to be relocated prior to approval of the sign permit. Ms. Leatherman stated that the sign would not be installed until the fence has been moved.

Tim Taylor asked if this means prior to the application or prior to issuance of a permit. Chad Wilkinson clarified that the condition means prior to issuance of a permit. Staff recommends that the improvements be made prior to issuing the sign permit in order to ensure compliance.

Jim Harland asked Deanne Leatherman if there are concerns with meeting the landscaping requirements and fencing relocation before the permit is issued. Ms. Leatherman stated that this is a request from Grandpa's Attic because the sign manufacturing cannot begin until there is a permit.

Ray Black made a motion to approve a Conditional Use Permit for an electronic message sign for Grandpa's Attic, located at 4150 South Commerce Drive, subject to conditions:

1. Prior to issuance of the sign permit, the front fence adjoining Commerce Drive will need to be relocated back behind the 10 ft. depth of frontage landscaping and a landscaping/sprinkler system will need to be installed to a minimum 10 ft. depth, including the south side of the drive access meeting the requirements of Chapter 17.68 of the Murray Municipal Code and be approved by the Murray City Forester.
2. The project shall meet sign code regulations.
3. Meet the requirements of the Murray Building Official for a permit. Provide stamped and sealed engineering from a structural engineer addressing the new and existing loads to the existing sign structure. Provide electrical plans for review.

Seconded by Karen Daniels.

Call vote recorded by Tim Tingey.

A Mr. Harland

A Ms. Daniels

A Mr. Black

A Mr. Taylor

Motion passed, 4-0.

THE HALE COMPANY – 480 West 4800 South, Project #09-30

Carl Oldham was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for a crane service business, including the outdoor storage of cranes. The property is located within the M-G-C zone. The applicant proposes to use the single family residence on the site as a business office. Crane storage will take place in the rear of the property. Employee parking will be near the front of the property and parking will meet the ordinance standards. Spaces will be paved prior to business license approval. Several neighbors have called staff with questions regarding storage of the cranes, especially the issue of cranes being stored in an upright position causing safety and visual concerns. One condition of approval is for all the cranes to be stored with their booms fully lowered and retracted. There will be a 6-foot high solid fence surrounding the rear storage area of the property. Staff is requesting that these conditions be met within 90 days of Commission approval.

Carl Oldham, 5595 South 700 West, stated that he is representing Jeff Hale who was unable to attend the meeting. Mr. Oldham stated that The Hale Company is currently leasing this property but would eventually like to purchase it. They are willing to conform to all of staff's recommendations and have received a copy of the staff report. Mr. Oldham stated that there is a telephone line in the middle of the property that needs to be moved so that the cranes can be easily maneuvered. The existing home on the property was previously leased but the tenants have moved out.

There were no public comments related to this agenda item.

Ray Black made a motion to approve a Conditional Use Permit for a crane service business for The Hale Company located at 480 West 4800 South, subject to conditions:

A: The following conditions shall be completed prior to occupancy and prior to issuance of a business license:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. The applicant shall complete a change of use form provided by Murray City Building Department.
4. Submit a drainage plan for review and approval by the City Engineer. A road cut permit will be required for modifying any approaches.
5. Pave and stripe the parking spaces as shown on the plan.

6. Any trip hazards in the sidewalk will have to be repaired.
7. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy. Plans shall include irrigation plans for approval.
8. The water service shall be upgraded to minimum City specifications from the main to the meter. Appropriate permits shall be obtained for the upgrade.
9. Any trash container shall be screened as required by Section 17.76.170.
10. Cranes shall be stored on site with booms fully lowered and retracted.
11. A six-foot high solid fence shall be required around the crane storage area.
12. All conditions shall be completed within 90 days of planning commission approval and in no case later than August 21, 2009.

Seconded by Karen Daniels.

Call vote recorded by Tim Tingey.

A Mr. Harland

A Ms. Daniels

A Mr. Black

A Mr. Taylor

Motion passed, 4-0.

LAND USE ORDINANCE - CHECK CASHING BUSINESS, Project #09-31

Tim Tingey presented the proposed changes to the Zoning Ordinance, Chapter 17.38, in order to provide further clarification for existing check cashing businesses that want to relocate or expand on the same site. An existing business would need to complete a public input process, either through the Board of Adjustment or Planning Commission. The proposed text provides for this change. Additionally, the City attorneys have provided clarification for non-conforming status of these uses, and this would supersede the non-conforming chapter that currently exists in the Ordinance. There will be standards for the Board of Adjustment to refer to when reviewing these applications. Staff is requesting a positive recommendation from the Planning Commission to the City Council.

Ray Black stated that this is a good thing to do in order to provide further clarification of this issue.

There were no public comments related to this agenda item.

Tim Taylor made a motion that the Commission send a positive recommendation to the City Council on this proposal for a check cashing business text amendment.

Seconded by Karen Daniels.

Call vote recorded by Tim Tingey.

A Mr. Harland

A Ms. Daniels

A Mr. Black

A Mr. Taylor

Motion passed, 4-0.

LAND USE ORDINANCE - SMELTER SITE OVERLAY DISTRICT, Project #09-32

Chad Wilkinson presented information for a text amendment related to the existing text for the Smelter Site Overlay District. The purpose of the amendment is to clarify the existing language of the Zoning Ordinance Section 17.25.070D, stating that residential uses are not allowed anywhere within the SSOD. The current language addresses C-D-C zoning, but doesn't specifically address other zoning. There are currently several properties in the SSOD that are zoned M-G-C, and a few of the properties in the SSOD are proposed to be included in an anticipated change to Mixed Use (MU) zoning. In an effort to prevent misunderstanding once the MU zone is implemented, which does allow for residential use, staff is recommending language that specifies residential uses are not allowed in the SSOD zone regardless of the underlying zone. Staff is recommending that the Planning Commission send a positive recommendation to the City Council for this text amendment.

Tim Taylor asked if this change would prohibit a hotel being built in the SSOD. Mr. Wilkinson responded that it would not because a hotel is not considered residential use. The MU zone will allow for hotels.

There were no public comments related to this agenda item.

Tim Taylor made a motion that the Commission send a positive recommendation to the City Council for the requested Smelter Site Overlay District text amendment.

Seconded by Ray Black.

Call vote recorded by Tim Tingey.

A Mr. Harland

A Ms. Daniels

A Mr. Black

A Mr. Taylor

Motion passed, 4-0.

OTHER BUSINESS

The Commission recognized students that were in attendance from Murray High School along with some Murray residents.

Meeting adjourned.

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B. Tim Tingey  
Director of Community & Economic Development